

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	<b>In Chapter 7</b>
	)	<b>Case No. 18 B 35437</b>
<b>STEVEN D. ZARLING,</b>	)	<b>Honorable LaShonda A. Hunt</b>
	)	<b>Motion Date: July 17, 2019</b>
<b>Debtor.</b>	)	<b>Motion Time: 10:00 a.m.</b>

**NOTICE OF MOTION**

TO: See Attached Service List

PLEASE TAKE NOTICE THAT on July 17, 2019, at the hour of 10:00 a.m., a **MOTION TO RETAIN SPECIAL COUNSEL** shall be heard before the Honorable LaShonda A. Hunt of the United States Bankruptcy Court for the Northern District of Illinois, Courtroom 719 at 219 South Dearborn, Chicago, Illinois. A copy of same is attached hereto and thereby served upon you. You may appear if you so see fit.

**GOLAN CHRISTIE TAGLIA LLP**

**AFFIDAVIT OF SERVICE**

I, Robert R. Benjamin, an attorney, certify that I caused the foregoing Notice of Motion and Motion to Retain Special Counsel to be served upon the parties who receive notice via CM/ECF, by e-mail and first class mail postage prepaid sent from 70 W. Madison Street, Suite 1500, Chicago, IL 60602 on June 17, 2019.

/s/Robert R. Benjamin  
Robert R. Benjamin

GOLAN CHRISTIE TAGLIA LLP  
Attorneys for Movant  
70 W. Madison Street, Suite 1500  
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**SERVICE LIST**

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Midwest Sports Medicine  
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Partners in Primary Care  
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Rolling Meadows, IL 60008  
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Radiological Consult. of Woodstock  
9410 Compubill Drive  
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Rush Behavioral Systems  
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Sherman Hospital  
PO Box 582663  
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**IN THE UNITED STATES BANKRUPTCY COURT  
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<b>In re:</b>	)	<b>In Chapter 7</b>
	)	<b>Case No. 18 B 35437</b>
<b>STEVEN D. ZARLING,</b>	)	<b>Honorable LaShonda A. Hunt</b>
	)	<b>Motion Date: July 17, 2019</b>
<b>Debtor.</b>	)	<b>Motion Time: 10:00 a.m.</b>

**MOTION TO RETAIN SPECIAL COUNSEL**

Richard Mason (the “Trustee”), not individually but as Chapter 7 Trustee of the Estate of Steven D. Zarling (the “Debtor”), pursuant to 11 U.S.C. § 327(c) of the United States Bankruptcy Code (the “Bankruptcy Code”) and Federal Rules of Bankruptcy Procedure 2014, moves through putative counsel, Robert R. Benjamin, Beverly A. Berneman and Anthony J. D’Agostino, and the associates and para-professionals of Golan Christie Taglia LLP (“GCT”), for entry of an order authorizing him to retain GCT, as special counsel to pursue recovery of a pre-petition transfer of settlement proceeds by the Debtor, and in support of this Motion, states as follows:

1. On December 26, 2018, Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the Bankruptcy Code (“Petition”) as an individual. Trustee was appointed and immediately thereafter began his examination of Debtor’s assets and liabilities.

2. After Debtor’s initial Section 341 Meeting of Creditors, Debtor filed amended bankruptcy schedules on February 6, 2019 disclosing a February 2018 workers’ compensation settlement in the amount of \$39,810.82 (the “Settlement Funds”). [Dkt. No. 12.]

3. Debtor asserts an exemption as to the Settlement Funds pursuant to 820 ILCS 305/21. *Id.*

4. On February 6, 2019, Debtor also filed an Amended Statement of Financial Affairs and disclosed that the Settlement Funds were transferred to George Zarling, Debtor's brother, in February 2018. [Dkt. No. 13.]

5. Pursuant to Section 327(c) of the Bankruptcy Code, the Trustee, with Court approval, may employ attorneys, accountants, appraisers, auctioneers or other professional persons, all of whom must be disinterested.

6. The Trustee desires to retain the services of an attorney and requests this Court to approve the retention of Robert R. Benjamin, Beverly A. Berneman and Anthony J. D'Agostino, and the associates and para-professionals of GCT to object to the exemption asserted by Debtor as to the Settlement Funds and to recover the transfer of the Settlement Funds for the benefit of the Estate.

7. GCT is not owed any money by the Estate nor does it have any interest adverse to the interests of this Estate or any class of creditors or equity security holders. GCT is currently representing a creditor of the Estate, Linda J. Nelson. **Ms. Nelson has agreed to pay GCT for hourly services rendered for the objection to the exemption asserted by Debtor as to the Settlement Funds and recovery of the transfer of the Settlement Funds for the benefit of the Estate and shall accept a credit against our fees of any sums received as a result of the contingent fees received from representing the Trustee.** Furthermore, Ms. Nelson agrees and acknowledges that she waives and releases any claims she has as a secured or lien creditor arising from Cook County Case No. 08 M2 3162, to the extent she has any right to such claims. Therefore GCT is considered a disinterested person under Section 101(13)(E) of the Bankruptcy Code. Accordingly, GCT is qualified to serve as counsel pursuant to Section 327 of the Bankruptcy Code.

8. The professional services to be rendered by GCT can be generally described as follows:

- a. To render legal advice and investigation with respect to avoidance powers provided by §§ 544, 547, 548 and 550 of the Bankruptcy Code;
- b. To evaluate and prepare an objection to Debtor's assertion of exemption over workers' compensation proceeds; and
- c. To prepare all other necessary pleadings, orders and reports with respect to the avoidance powers and to render all other legal services as may be necessary proper therein.

9. Section 327(a) of the Bankruptcy Code provides that, subject to Court approval, the compensation of any professional person may be on any reasonable terms and conditions including on a retainer, hourly basis or contingent fee arrangement. GCT has agreed to accept a contingent fee of 1/3 of sums recovered on behalf of the Estate plus costs. The Trustee believes that the issues raised warrant extensive time and effort by his proposed counsel and therefore, the proposed contingency rate is reasonable.

10. Members of GCT are experienced bankruptcy counsel and through its retention, the Trustee will be able to properly investigate and pursue causes of action designed to ultimately provide for a distribution to creditors. In support of this motion, Trustee attaches the Affidavits of Robert R. Benjamin, Beverly A. Berneman and Anthony J. D'Agostino of GCT hereto as **Exhibits A, B and C**, respectively.

WHEREFORE, Richard Mason, not individually but as Chapter 7 Trustee of the Estate of Steven D. Zarling, prays that this Honorable Court enter an order that:

A. Authorizes the Trustee to retain Robert R. Benjamin, Beverly A. Berneman, Anthony J. D'Agostino and the associates and para-professionals of Golan Christie Taglia LLP, as special counsel for the Trustee in the instant proceedings to investigate and proceed with matters pertaining to the avoidance powers provided by §§ 544, 547, 548 and 550 of the United States Bankruptcy Code;

B. Finds the above-described counsel qualified to serve as counsel for the Trustee pursuant to Section 327 of the Bankruptcy Code and that said counsel are disinterested within the definition of that term under Section 101(13)(E) of said Code; and

C. Grants such other and further relief as this Court deems just and proper.

Dated: June 17, 2019

RICHARD MASON,

By: /s/ Robert R. Benjamin  
One of his attorneys

Robert R. Benjamin (ARDC #0170429)  
Beverly A. Berneman (ARDC # 6189418)  
Anthony J. D'Agostino (ARDC # 6299589)  
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and

RICHARD MASON,

By: /s/ Richard Mason, Trustee

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Chapter 7 Trustee of the Estate of Steven D. Zarling  
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